

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/779,732

AMENDMENTS TO THE DRAWINGS

In response to the objection to the drawings, Figures 1 and 2 have been labeled “prior art”.

Attachment: 2 Replacement Sheets

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/779,732

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Upon entry of this Amendment, claims 1-11 are all the claims pending in the application.

Applicant respectfully submits that the pending claims define patentable subject matter.

As a preliminary matter, Applicant thanks the Examiner for indicating that claims 5, 6 and 8-11 would be allowable if rewritten in independent form. However, Applicant respectfully requests the Examiner to hold in abeyance the rewriting of these claims until the Examiner has had the opportunity to reconsider the rejected parent claims in light of the arguments presented below in support of the Applicant's traverse of the rejection.

The specification is object to because the Examiner maintains that pages 2 and 3 are identical. Applicant has amended the specification to replace page 2 with the correct text as described in French Patent Appln. No. 0302603, from which the present application claims priority. Applicant submits that the amendment to the specification does not introduce new matter.¹

The specification is further objected to because the Examiner maintains that the page 5, lines 14-15 and lines 24-25 appear to be repetitive. However, lines 14-15 describe the optical switches of the spatial selector and lines 24-25 describe the optical switches of the spectral selector.

¹ Note that the lines 4-7 of the present application incorporate by reference the entire contents of French Patent Appln. No. 0302603, from which the present application claims priority. As discussed in MPEP 201.13(II)(G), the inclusion of the incorporation by reference of the foreign priority application will permit an applicant to amend the U.S. application to include any subject in the foreign priority application without raising the issue of new matter.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/779,732

Accordingly, the Examiner is requested to remove the objections to the specification.

The drawings are objected to because the Examiner maintains that FIGS. 1 and 2 should be labeled “prior art”. Along with this Amendment, Applicant is submitting replacement drawings wherein Figures 1 and 2 are labeled “prior art”. Accordingly, the Examiner is requested to remove the objection to the drawings.

Claims 1-4 and 7 are rejected under 35 U.S.C. § 102(b) as being anticipated by Admitted Prior Art Figure 2. Applicant respectfully traverses the rejection.

Independent claim 1 is directed to “[a] selection module for use in an optical signal switch.” Claim 1 recites:

a spatial selector comprising a plurality of inputs each receiving a wavelength division multiplexed optical signal comprising a plurality of channels each associated with a separate wavelength, and an output delivering a single signal selected from said plurality of wavelength division multiplexed signals; and
a plurality of spectral selectors each selecting a channel from a plurality of channels of said signal selected by said spatial selector.

By this Amendment, Applicant has rewritten claim 8 independent form. Claim 8 recites at least one selection module comprising the same elements required by claim 1.

Applicant respectfully submits that it is quite clear that the selection module shown in Figure 2 does not include a plurality of spectral selectors, as required by claim 1.² Instead, the selection module of Figure 2 includes a single spectral selector SE₂. On the other hand, as

² In the reasons in support of the rejection provided on page 5 of the Office Action, the Examiner appears to be confusing the spatial selector SE₁ and the spectral selector SE₂ shown in Figure 2 since the Examiner references to both of these elements as a “spatial selector”.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/779,732

shown in Figure 3, the selection module of the present invention comprises a plurality (k) of spectral selectors SE₂₁ through SE_{2k}.

Accordingly, Applicant respectfully submits that claims 1-4 and 7 would not have been anticipated by or rendered obvious in view of Admitted Prior Art Figure 2 because Figure 2 does not teach or suggest all of the features of the claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Christopher R. Lipp
Registration No. 41,157

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: September 21, 2005

Attorney Docket No.: Q79774